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Amend E
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P-3952-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JOYCE BRETT
FOR: A BAND-AID APPLIED JEWELRY DISPLAY
SERIAL NO.: 10/029,818
FILED: December 31, 2001
EXAMINER: ANDREA CHOP, ART GROUP 3677

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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action of October 9, 2003.

Accompanying this reply is REVISED AMENDMENT PRACTICE providing instructions for amending claim 1.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vesey U.S. 6,455,752 in view of Arginsky U.S. D340,988.

Reconsideration of the rejection of claim 1 is respectfully requested for the reasons which follow.

There is significantly more lack of disclosure in Vesey than that acknowledged by the examiner, taken alone or in combination with Arginsky. What is not disclosed is embodied inter alia in amended claim 1, as at lines 4, 5 of strips of clear plastic construction material, and lines 6 and 15 respectively of first and second adhesive deposits.


Vesey discloses a backing strip 2 attached by only a single adhesive deposit 3 to the backing strip surface 31, and lacks another adhesive deposit on the gauze pad 4 per se for

attachment of the display 14 to the gauze pad. The display 14 is peeled off of the substrate 16, and to have the same ease and facility with which it is removed from the substrate 16 it would lack an extent of adhesiveness to remain in place to serve applicant's end use as a rhinestone jewelry display. See In re Hiniker Co., 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998) and, more particularly, the holding therein that on the issue of anticipation all limitations of a claim must be considered, i.e., the reference to the proposition "the name of the game is the claim," which appears on the cited page of Hiniker.

For the reasons stated, favorable reconsideration of this application is respectfully requested.

Respectfully,

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Dated: October 20, 2003